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APPLICATION NO. 08/220,445	FILING DATE 08/22/99	FIRST NAMED INVENTOR WALKER	ATTORNEY DOCKET NO. W02-97-054
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LM71/1001

EXAMINER TKACS, S

ART UNIT 2761	PAPER NUMBER
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DATE MAILED: 10/01/99

10/01/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/920,116

Applicant(s)

WALKER ET AL

Examiner

Stephen R Tkacs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 1998.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-184 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-182 is/are allowed.
- 6) ☒ Claim(s) 183 and 184 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
 - 1. ☐ received.
 - 2. ☐ received in Application No. (Series Code / Serial Number) _____.
 - 3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☐ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 183 and 184 are rejected under 35 U.S.C. 102(e) as being anticipated by Burke (US Patent No. 5,621,640).

A) As to claim 183, Burke teaches generating a purchase price of the purchase (107); setting the required payment amount to be equal to the purchase price and transmitting the purchase price to the processing system (110); and if a rounded price is received from the processing system (114), setting the required payment amount to be equal to the rounded price (col. 6, lines 34-45).

B) As to claim 184, Burke teaches a storage device (memory); and a processor (cash register CR1, CRM, CRN); a storage device (memory inherent in the cash register) storing a required

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payment amount (107), and a program for controlling the processor (inherent in the cash register) the processor operative with the program to generate a purchase price of the purchase (107); set the required payment amount to be equal to the purchase price (110); transmit the purchase price to the processing system (central computer CC); and if a rounded price is received from the processing system (114), set the required payment amount to be equal to the rounded price (col. 6, lines 34-45).

Allowable Subject Matter

Claims 1-182 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art, when considered as a whole, fails to teach or fairly suggest calculating a round-up amount, the round-up amount being a difference between the purchase price and the rounded price; and exchanging the round-up amount for the upsell if the selection signal indicates selection of the upsell, as specifically recited, in

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combination, in independent claims 1 and 174, and as defined by the specification.

The prior art, when considered as a whole, fails to teach or fairly suggest calculating a round-up amount, the round-up amount being a difference between the purchase price and the rounded price; and if the calculated round-up amount corresponds to a compared upsell price, identifying at least one upsell in the database which corresponds to the compared upsell price, as specifically recited, in combination, in independent claims 26, 51, 76, 104, 129, 131, 133, 135, 175, and 179, and as defined by the specification.

The prior art, when considered as a whole, fails to teach or fairly suggest calculating a round-up amount, the round-up amount being a difference between the purchase price and the rounded price; and setting the required payment amount to be equal to the rounded price if the selection signal indicates selection of the upsell, as specifically recited, in combination, in independent claims 137 and 154, and as defined by the specification.

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The prior art, when considered as a whole, fails to teach or fairly suggest calculating a round-up amount, the round-up amount being a difference between the purchase price and the rounded price; and printing indicia indicative of the round-up amount if the selection signal indicates selection of the upsell, as specifically recited, in combination, in independent claims 172 and 173, and as defined by the specification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen R Tkacs whose telephone number is (703) 305-9774. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz can be reached on (703) 305-9714. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9051 for regular communications and (703) 305-0040 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Stephen R Tkacs
Primary Examiner
Art Unit 2761

SRT

October 1, 1999